

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Lynn Dickey *et al.*  
Appl No.: 10/675,011  
Filed: September 30, 2008  
For: EXPRESSION OF BIOLOGICALLY ACTIVE POLYPEPTIDES IN  
DUCKWEED

Confirmation No.: 5538  
Group Art Unit: 1638  
Examiner: Li Zheng

September 22, 2011

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTIFICATION OF CHANGE OF SMALL ENTITY STATUS  
ESTABLISHED IN ERROR 37 C.F.R. §1.28(c)(2)

Applicants hereby submit that the small entity status, asserted in good faith on September 9, 2011, in connection with the above-identified application, is hereby withdrawn, and that the Request for a Refund under 37 C.F.R. §1.28(a) in the amount of \$755, to be credited to the Alston & Bird LLP Deposit Account 16-0605, also made in good faith on September 9, 2011, is hereby withdrawn. In accordance with 37 C.F.R. §1.28(c)(2)(ii), the circumstances leading to Applicants' withdrawal of the assertion of small entity status and withdrawal of this refund request, as well as the itemization of the deficient fee, are as follows.

The Issue Fee in the amount of \$1,510 was timely paid in the above-identified application on August 12, 2011, via a charge against Alston & Bird LLP Deposit Account No. 16-0605 for Fee Code 1501, as shown on the enclosed statement for this account, dated August 2011, at page 7, line 32. The Issue Fee was paid based on large entity status as previously asserted for the above-identified application on June 22, 2007.

On September 9, 2011, Applicants in good faith claimed small entity status and electronically filed a Request for a Refund under 37 C.F.R. §1.28(a) in the above-identified application via the EFS-Web electronic filing system of the U.S. Patent and Trademark Office. The refund request was in the amount of \$755, which is the difference between the Issue Fee paid in the above-identified application based on large entity status and the Issue Fee owed based on the claim for small entity status (i.e., \$1510 paid - \$755 owed = **\$755 refund**). Applicants requested that this refund in the amount of \$755 be credited to Deposit Account No. 16-0605.

The request for this refund and the claim for small entity status were made in good faith, as it was believed that small entity status was entitled to be asserted for the above-referenced application. It has now been discovered that such status as a small entity that was asserted on September 9, 2011, was established in error. Although the above-referenced application qualified for small entity status as of February 18, 2010, it has now been discovered that this small entity status changed as of May 12, 2010.

Accordingly, such small entity status, claimed in good faith on September 9, 2011, is hereby **withdrawn**. Applicants' Request for a Refund under 37 C.F.R. §1.28(a) in the amount of \$755, to be credited to Deposit Account 16-0605, which was also made in good faith on September 9, 2011, is hereby **withdrawn**.

Applicants note that on September 19, 2011, Deposit Account 16-0605 was credited the **\$755 refund** in connection with the Request for a Refund under 37 C.F.R. §1.28(a) that was filed on September 9, 2011, in the above-identified application, as shown on the enclosed statement for this account, dated September 2011, at page 11, lines 30-31. Accordingly, it is believed that **the fee deficiency now due for the Issue Fee** paid in the above-identified application is **\$755**.

The **\$755** fee deficiency is paid electronically herewith via authorization to charge Deposit Account 16-0605 in the amount of **\$755** in order to rectify this fee deficiency for the Issue Fee paid in the above-identified application. It is not believed that any further payment is due in connection with this communication; however, the Commissioner is hereby authorized to charge any such additional payment to Deposit Account No. 16-0605.

Respectfully submitted,

/leslie t. henry/

Leslie T. Henry  
Registration No. 45,714

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Research Triangle Area Office (919) 862-2200  
Fax Research Triangle Area Office (919) 862-2260  
**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES**  
**PATENT & TRADEMARK OFFICE ON SEPTEMBER 22, 2011.**  
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**Deposit Account Statement**

**Requested Statement Month:**

August 2011

**Deposit Account Number:**

160805

**Name:**

ALSTON & BIRD LLP

**Attention:**

BANK OF AMERICA

**Street Address 1:**

101 SOUTH TRYON STREET

**Street Address 2:**

SUITE 4000

**City:**

CHARLOTTE

**State:**

NC

**Zip:**

26280-4000

**Country:**

UNITED STATES

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/01 892	12171336	941-012580-US (D01)	1801	\$810.00	\$95,044.49
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08/15 2899	13208855	050704/409167	1111	\$540.00	\$47,894.49



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**Deposit Account Statement**

**Requested Statement Month:**

September 2011

**Deposit Account Number:**

160605

**Name:**

ALSTON & BIRD LLP

**Attention:**

BANK OF AMERICA

**Street Address 1:**

101 SOUTH TRYON STREET

**Street Address 2:**

SUITE 4000

**City:**

CHARLOTTE

**State:**

NC

**Zip:**

28280-4000

**Country:**

UNITED STATES

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL	
09/01	17641	77943700	06568/385934	7003	\$200.00	\$123,691.49
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09/19 9907	13131835	034691/405310	1617	\$130.00	\$101,215.49
09/19 10017	13131835	034691/405310	8021	\$40.00	\$101,175.49